

NOV. 16. 2005 9:27AM

GLAXO WELLCOME

NO. 8523 P. 1

JC10 Rec'd PCT/PTO 16 NOV 2005



GlaxoSmithKline

FAX

To Response to Missing Parts

Company USPTO

Fax 571-273-8300

From Allyson K. Jacobs

Tel 919-483-9105 Fax 919-483-7988

E-mail allyson.k.jacobs@gsk.com

Date 11/16/05 Pages including cover 19

Subject Serial No.: 10/537,645

Filing Date:

Glaxo Wellcome Inc.
PO Box 13398
Five Moore Drive
Research Triangle Park
North Carolina 27709
Tel: 919 483 2100
www.gsk.com

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NOV 16 2005

Attached:

Response to Notice to File Missing Parts of Application + copy
Notification of Missing Requirements
PCT Notification of the Recording of a Change
Declaration for Utility or Design Patent Application
Power of Attorney
Certificate of Transmission

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**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**Docket No.
PG5042USW

In Re Application Of: Dell 'Orco et al.

Application No.
10/537,645

Filing Date

Examiner

Customer No.
23347

Group Art Unit

Confirmation No.
5139

Invention: CRYSTALLINE FORM

Mall Stop Missing PartsCOMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
9/30/05
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

PCT Notification of the Recording of a Change
Power of Attorney and Correspondence Address Indication Form

**Response To Notice To File Missing Parts Of Application
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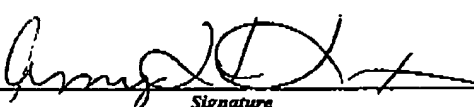
TO THE COMMISSIONER FOR PATENTS:Mail Stop Missing Parts☒ Completion of application fees as calculated below:☐ Utility application basic fee _____☐ Design application basic fee _____☐ Search Fee _____☐ Examination Fee _____☐ Total number of independent claims = _____☐ Total number of claims = _____☐ Multiple dependent claims _____☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**☐ Petition and fee for filing by other than all the inventors or a person not the inventor _____☐ Fee for processing an application filed with a non-English language specification _____☐ Fee for processing and retention of application _____Total completion of application fees **\$130.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month☐ Two months☐ Three months☐ Four months☐ Five monthsfrom: _____
Dateuntil: _____
Date

Total time extension fees _____

Total fees due **\$130.00**

Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533) (Large Entity)					Docket No. PG5042USW	
In Re Application Of: Dell 'Orco et al.						
Application No. 10/537,645	Filing Date	Examiner	Customer No. 23347	Group Art Unit	Confirmation No. 5139	
Invention: CRYSTALLINE FORM						
<u>TO THE COMMISSIONER FOR PATENTS:</u> <u>Mail Stop Missing Parts</u>						
<p>The fee of \$130.00 is to be paid as follows:</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 07-1392</p> <p><input checked="" type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 07-1392</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>						
 _____ <i>Signature</i>				Dated: Nov. 15 2005		
Amy H. Fix, Reg. No. 42,616 Attorney for Applicants GlaxoSmithKline Five Moore Drive, PO Box 13398 Research Triangle Park, NC 27709-3398 Telephone: (919) 483-8911 Facsimile: (919) 483-7988				<div style="border: 1px solid black; padding: 5px;"><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p><p>_____ (Date)</p><p>_____ Signature of Person Mailing Correspondence</p><p>_____ Typed or Printed Name of Person Mailing Correspondence</p></div>		
cc:						

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**Docket No.
PG5042USW

In Re Application Of: Dell 'Orco et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/537,645			23347		5139

Invention: CRYSTALLINE FORM

Mail Stop Missing PartsCOMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
9/30/05
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). (REQUIRED)
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
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- ☒ Other (list):

PCT Notification of the Recording of a Change
Power of Attorney and Correspondence Address Indication Form

Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533)(Large Entity)				Docket No. PG5042USW	
In Re Application Of: Dell 'Orco et al.					
Application No. 10/537,645	Filing Date	Examiner	Customer No. 23347	Group Art Unit	Confirmation No. 5139
Invention: CRYSTALLINE FORM					
<u>TO THE COMMISSIONER FOR PATENTS:</u> <u>Mail Stop Missing Parts</u>					
<input checked="" type="checkbox"/> Completion of application fees as calculated below:					
<input type="checkbox"/> Utility application basic fee					
<input type="checkbox"/> Design application basic fee					
<input type="checkbox"/> Search Fee					
<input type="checkbox"/> Examination Fee					
<input type="checkbox"/> Total number of independent claims = _____					
<input type="checkbox"/> Total number of claims = _____					
<input type="checkbox"/> Multiple dependent claims					
<input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath				\$130.00	
<input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor					
<input type="checkbox"/> Fee for processing an application filed with a non-English language specification					
<input type="checkbox"/> Fee for processing and retention of application					
Total completion of application fees				\$130.00	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.					
<input type="checkbox"/> One month <input type="checkbox"/> Two months <input type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months					
from: _____		until: _____			
Date		Date			
Total time extension fees					
Total fees due				\$130.00	

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UNITED STATES DEPARTMENT OF COMMERCE
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/537,645	FIRST NAMED APPLICANT Philip Dell Orco	ATTY. DOCKET NO. PG5042USW
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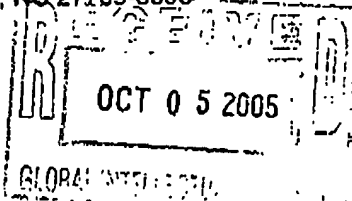
23347
 GLAXOSMITHKLINE
 CORPORATE INTELLECTUAL PROPERTY, MAI B475
 FIVE MOORE DR., PO BOX 13398
 RESEARCH TRIANGLE PARK, NC 27709-3398

INTERNATIONAL APPLICATION NO. PCT/EP03/13800	
I.A. FILING DATE 12/04/2003	PRIORITY DATE 12/06/2002

CONFIRMATION NO. 5139
 371.FORMALITIES LETTER

OC00000017126927

Date Mailed: 09/30/2005



NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/06/2005
- Copy of the International Search Report filed on 06/06/2005
- Copy of IPE Report filed on 06/06/2005
- Preliminary Amendments filed on 06/06/2005
- Request for Immediate Examination filed on 06/06/2005
- U.S. Basic National Fees filed on 06/06/2005
- Priority Documents filed on 06/06/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

DOCKETED

Docket No: PG5042USW
 Attorney: AHF(SJP)
 Paper: Submission w/ Fee Due
 Due Date: 30 NOV 2005
 Deadline: 30 APR 2006
 Recorded:

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/537,645	PCT/EP03/13800	PG5042USW

FORM PCT/DO/EO/905 (371 Formalities Notice)

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

BAKER, Suzanne, Jane
GlaxoSmithKline
Corporate Intellectual Property
CN925.1
980 Great West Road
Brentford, Middlesex TW8 9GS
United Kingdom

Date of mailing (day/month/year) 02 June 2005 (02.06.2005)		IMPORTANT NOTIFICATION	
Applicant's or agent's file reference SJB/PG5042			
International application No. PCT/EP2003/013800		International filing date (day/month/year) 04 December 2003 (04.12.2003)	
1. The following indications appeared on record concerning: <input checked="" type="checkbox"/> the applicant <input checked="" type="checkbox"/> the inventor <input type="checkbox"/> the agent <input type="checkbox"/> the common representative			
Name and Address DELL'ORCO, Philip, C GlaxoSmithKline 709 Swedeland Road King of Prussia, PA 14906 United States of America		State of Nationality US	State of Residence US
		Telephone No.	
		Facsimile No.	
		Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning: <input type="checkbox"/> the person <input type="checkbox"/> the name <input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence			
Name and Address DELL'ORCO, Philip, C GlaxoSmithKline 709 Swedeland Road King of Prussia, PA 19406 United States of America		State of Nationality US	State of Residence US
		Telephone No.	
		Facsimile No.	
		Teleprinter No.	
GlaxoSmithKline Corporate IP Received BRENTFORD 09 JUN 2005 ATC/STR/CA ADMIN: <i>MD</i> IPM: N/A ON UPDATED ON: ATTY CHECKED: <i>MD</i>			
3. Further observations, if necessary:			
4. A copy of this notification has been sent to: <input checked="" type="checkbox"/> the receiving Office <input type="checkbox"/> the designated Offices concerned <input type="checkbox"/> the International Searching Authority <input checked="" type="checkbox"/> the elected Offices concerned <input type="checkbox"/> the International Preliminary Examining Authority <input type="checkbox"/> other:			
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.89.76		Authorized officer Antonia MULLER (Fax : 338 89 75) Telephone No. (41-22) 938 8243	

Form PCT/IB/308 (March 1994)

006708382

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Doc Code:

PTO/SB/87 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Office

on 11-16-05
Date

Allyson K. Jacobs
Signature

Allyson K. Jacobs

Typed or printed name of person signing Certificate

Registration Number, if applicable

919-483-9105

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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